

## CHAPTER I

### THE LEGACY

The earliest law enforcement agents established in the Republic of Texas by the Provisional Government were constables who were to be appointed by "the alcaldes and commissarios of each and every municipality in Texas." Under the Republic, constables and county sheriffs remained the chief law enforcement officers, although local communities employed watchmen when necessary.<sup>1</sup> Policing in Houston is first mentioned in the *Houston Telegraph and Texas Register*, which reported in December 1838 the resignation of a city constable and the appointment of two others by the city council.<sup>2</sup> Law enforcement as a municipal responsibility, however, began with the city charter of 1839, which charged the city to provide its own policing agency. In January of the following year the city council, acting under its charter authority, created the office of city marshal. With the exception of the Civil War years, when the regular police was supplemented by a night patrol composed of citizens from each of the city's four wards,<sup>3</sup> police development in Houston, as in other towns of similar size, evolved around the city marshal. Together with a deputy and several watchmen, the city marshal remained the mainstay of law enforcement until the 1870s.<sup>4</sup>

Houston, with a post-war population of six to ten thousand, required only a modest police establishment, consisting of eleven men in 1868 and twenty-four in 1895.<sup>5</sup> Consequently, policing in Houston did not share the organizational innovations that characterized metropolitan police departments (such as New York's, Boston's, New Orleans') during the mid-nineteenth century.

It was not until 1873 that an ordinance was enacted defining for the first time the duties of police officers and providing formal regulations to govern the conduct of policemen. While the city marshal remained the chief law enforcement officer in the city, he now became head of a police "department." This shift in emphasis was recognized in 1878, when the *City Directory* discontinued listing *city marshal* to describe the city's law enforcement agency and substituted the term *police department*.<sup>6</sup> Although policing was lifted to a status commensurate with the community's expanding importance, several important issues required resolution before the city marshal's office became a bureaucratized department. These issues involved the supremacy of the public police over the private police,

clarification of control over the operation of the department, regularized salaries, and operational procedures.

The ambivalent attitude of municipal authorities concerning their responsibility to organize, finance, and maintain a permanent police force had important consequences. The authorities were reluctant to assume the responsibility for providing adequate policing in the city. The use of special police officers, frequently hired for short-term service or as circumstances demanded, was an expedient solution to the problem of an inadequate police force. Even before organized patrolling of the town was established, the mayor commissioned special policemen to observe and report criminal activities to the city marshal or constables. The first evidence of special policemen appeared in April 1846, when, because of the danger posed by "persons of low type character," the mayor and city council authorized a committee to form a "secret police... to be at all times prepared to assist the officers of the city in quelling riots and disturbances [and] maintaining the peace [and] quiet of the same."<sup>7</sup> In practice, the secret police was a corps of informers whose purpose was to remain alert to strangers and to be aware of the activities of the city's slave population. Secret policemen were not unique to antebellum Houston, but existed as part of the police establishment wherever slavery existed—it was deemed necessary to oversee slave life to prevent uprisings.

The secret policeman of the antebellum period was the forerunner of the plainclothes detective of the 1880s. In 1873 the title secret policeman was changed to "Special Agent" or "detective." But unlike plainclothes officers who served under the authority of the city marshal, the special agent was responsible only to the mayor and police committee. Two years later a resolution was approved, granting the mayor exclusive authority over the position with financing provided from the city's "Secret Service fund."<sup>8</sup> No precise responsibilities were officially described for the position. Presumably the duties involved gathering of intelligence concerning criminal activities in the city as well as possible illegal activities of members of the regular police.

The duties of special policemen varied, ranging from undercover work for the mayor to any assignment ordinarily expected of regular police officers. During strikes they were often pressed into service to reinforce the regular force, as in the strikes of 1898 and 1904. In 1900, because of the layoffs of several of the regular police officers necessitated by a shortage of city funds, Mayor John D. Woolford appointed four special policemen to fill the temporary vacancies.<sup>9</sup> During the first decades of the twentieth century special officers were sometimes employed because of their reputations as experienced lawmen. In 1912, for example, Mayor Baldwin Rice commissioned Jules J. Baker, (a former Texas Ranger and investigator for the Cattlemen's Association), J.L. "Rattlesnake Pete" Anders, and Henry Ransom as special police officers to maintain order in the city.<sup>10</sup> Mayor

Oscar F. Holcombe imported several West Texas lawmen to provide protection for individuals threatened by the Ku Klux Klan when the latter gained control of the police department in 1921-1922.<sup>11</sup> This dramatic aspect of the work of special officers was minimal, however, and should not obscure their important relationship to the institutional development of the regular police.

The use of special police in the conventional mode of law enforcement was first advocated in 1866, when Houston businessmen, dissatisfied with the protection afforded by the city marshal, petitioned the city council for permission to create a "Merchants police force for the more efficient protection of personal property [and] for the preservation of good order." The city council, establishing a precedent for the private use of special police, granted the petition with the stipulation that any special police assigned to duty would be paid by the citizens and not from the city treasury. Control of the police was placed under the direction of the city marshal, thereby making them responsible to the municipality while it evaded the financial burden of their maintenance.<sup>12</sup> Some councilmen argued that a merchant police force would be an admission of the inability of the regular police to maintain order.<sup>13</sup> Expediency, though, proved stronger than any obligation by the city council to maintain an adequate regular police force, and the use of special policemen, commissioned either for municipal duty or for private assignment, became an important part of law enforcement in Houston.

In the 1880s private detective agencies for the first time applied to the city for police commissions for their agents employed as guards by local businesses. The private police differed from the city's special police in that the former, commissioned by the city with police powers to serve within specified geographic locations, received no city funds; the latter, also commissioned by the city but empowered to serve without geographic restrictions, received municipal funds. Special officers Jules J. Baker and Henry Ransom, for instance, were employed to perform whatever duties were assigned to them by the mayor and therefore received their salaries from the city. Private businesses employing special policemen reimbursed the city for their services and the city assumed responsibility for the salaries.

In 1883 the first privately financed commercial police agencies began operation in Houston; agents of the Hennessy and Farrell detective agencies were granted police commissions by the city. Before police commissions could be granted, the police committee first reviewed the agencies' references.<sup>14</sup> The reviews, like those of applications for regular police commissions, were cursory at best and offered little assurance that the recipients of the commissions were honest or suited to police work.<sup>15</sup>

Although special officers were commissioned to perform only specific assignments, in practice they shared all the legal powers of arrest and detention enjoyed by regular police officers. The ambiguity of the legal distinc-

tions between regular and special police officers was traceable to the uncertain status of police service in the community during the nineteenth century. Policemen, whether regular officers—employed full-time—or special officers—employed part-time—were not clearly defined by either the courts or the laws. No mention is made of special police officers in any of the police ordinances enacted prior to 1897. The city drew its authority for appointing special officers from the city charter, which empowered the municipality to regulate its own policing agency. In the revised city ordinances of 1897, special police for the first time were recognized as being distinct from the regular police, but no mention was made of specific requirements for such positions or of their legal relationship to the city's regular police force. The ordinance provided only that the mayor was authorized to appoint as many special policemen as required whenever he deemed such officers necessary. Either the city or the party requesting their services paid the salaries. Except for the method of his selection and the source of his salary, the special police officer was indistinguishable from the regular officer.<sup>16</sup>

As policing gained institutional form, the powers of the regular and special police were gradually distinguished.<sup>17</sup> In 1913 the city specified that the legitimate jurisdiction of special officers be restricted to the geographic locations assigned them.<sup>18</sup> While the restriction limited the area of police authority, the mayor retained the formidable power to commission special officers under state statute. The mayor was empowered to issue as many commissions as necessary "in order to enforce the laws of the city, or to avert danger, or to protect life or property, in case of riot or any outbreak or calamity or public disturbance or when he has reason to fear any serious violation of law or order, or any outbreak or any other danger to" the city.<sup>19</sup> The indiscriminate use of special police showed the ill-defined status of Houston's regular police service. Such broad authority was laden with potential for abuse. Mayors found that appointing special officers brought political advantages, since such officers, armed with police badges and commissions, could exert influence in the city's wards during election campaigns. Commissions also served as ready rewards for administration faithfuls, who welcomed the police powers that the appointments carried.<sup>20</sup>

The indefinite boundaries separating the legal functions of regular and special policemen had the unexpected effect of mitigating racial barriers within the police department. Because of the blurring of the legal distinction between regular and special police officers, blacks who served in the latter capacity received, like their white colleagues, the legal prerogatives of regular officers.

Few blacks served as regular police officers, but several served as special officers. While black officers were deployed only in black sections of the city, with arrests restricted to black suspects, they performed that duty

within a prescribed geographic area with the same authority enjoyed by white police officers (who were rarely used there).<sup>21</sup> A police committee report of July 2, 1883, evaluating the performance of black special officers, stated that they had been furnished badges by the city marshal and allowed to carry out "any duty coming under the head of police officers."<sup>22</sup> The report added that the committee's investigation revealed "nothing sufficiently derogatory to these men" to warrant curtailing their policing powers; the city marshal told the committee that "they make good policemen and that he [was] able to utilize them with good results, particularly...at the different gatherings of the colored people within city limits."<sup>23</sup> Perhaps the "good results" noted in the report were due in part to the strict discipline imposed on black special officers for infractions that were frequently ignored when committed by white officers.<sup>24</sup>

Complaints by either black or white citizens could result in the immediate dismissal of black officers, for city officials were constantly concerned that belligerent or overly aggressive black officers might be considered a potential threat to the white community and reflect on the good judgment of the city council in its choice of police officers. In July and August 1883 the police committee received petitions from white and black citizens complaining that special officer Lewis Williams was unfit to serve because of a past criminal charge involving a murder for which he had received a pardon from the governor. Following a brief discussion, the police committee recommended the immediate discharge of all black special officers and ordered that in the future such officers should be commissioned only after they had been properly recommended by the mayor or city marshal to the city council for consideration.<sup>25</sup>

Although blacks in the police department were few—reaching a peak of three special officers out of a force of twenty-two men in 1892—their participation in the policing of the city was a significant change from precedent, in that blacks were for the first time allowed to exercise police authority. While their participation was token at best, at least a slim presence continued uninterrupted in the subsequent decades, with their number fluctuating from one in 1907 to seven regular officers in 1930. Of the seven, four served as detectives and three as uniformed officers.<sup>26</sup>

The inferior relationship of black officers to their white colleagues begun in the nineteenth century was formalized in the early twentieth century, as was their relationship with the white community at large, by the increasingly rigid racial distinctions reflected in the enactment of segregation laws.<sup>27</sup> The practice of restricting black officers to patrol predominantly black areas, begun in the 1870s, remained established policy through the late 1950s. Moreover, black regular officers, while authorized under state statute as certified peace officers to effect any lawful arrest regardless of the offender's race, were required by department policy to arrest white of-

fenders only with the assistance of a white officer. If the participation of a white officer in such a circumstance was impossible, the arresting officer was required to request the assistance of a white policeman in transporting the offender to jail.<sup>28</sup> Black police lacked promotional opportunities beyond the rank of detective and were excluded from motorized patrols — further reflecting the unequal status of black officers as a nineteenth-century legacy.

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The confusion surrounding the power of appointment and removal of police officers was characteristic of the nineteenth-century police establishment. Much of the difficulty was a result of the inconsistency found in the provisions of the city charters and ordinances dealing with appointments and removals. According to the charter of 1871, policemen were to be nominated by a police board and confirmed by a majority of the aldermen. This procedure applied only to the police department, since the mayor, with the approval of a majority of aldermen, filled all appointed positions in the other city departments. The city marshal initiated all suspensions and dismissals, but dismissals, if contested, required a two-thirds vote of the council.<sup>29</sup>

From 1871 to 1897 control over the police shifted repeatedly, so that it was difficult at times to determine precisely how the authority was divided. At one point the mayor was given complete control over the police, including the power of appointment, while a few months later the city council was empowered to vote on all nominations advanced by the mayor. By 1897 the city marshal (or police chief, as the police executive was now sometimes known) presented the mayor with a list of names of suitable persons to serve as policemen. The mayor then made the nominations to the city council, which had the power to confirm the appointments as well as to make whatever rules and regulations were necessary for the functioning of the department. This practice conflicted with the requirements of civil service legislation enacted in 1897 and later, and provided a serious obstacle to reform.<sup>30</sup>

As with the regular police, the mode of selecting and financing special police officers fluctuated until the early twentieth century. Members were sometimes chosen from a list of candidates submitted for approval to the aldermen by the mayor or city marshal. In other instances, the mayor made the appointments, as in February 1876, when the city council authorized him to select a special officer to serve as license inspector.<sup>31</sup> In the following year a resolution permitted the city marshal to choose two men from each



ward of the city to act as special police officers.<sup>32</sup> Later in 1881, the mayor and city marshal made the selections.<sup>33</sup> Salaries were set by the aldermen at a rate no higher than that of the regular police and quite frequently at a lower rate. In some instances the only pay was whatever could be collected through arrest fees, an arrangement designed to relieve the municipality of the expense of providing salaries.<sup>34</sup> The substitution of fees for salaries proved as unsatisfactory for financing special policemen as for regular officers.

Police salaries during the post-Civil War years averaged \$60 a month for patrolmen, which compared favorably with the wages of Houston laborers, if not of skilled mechanics.<sup>35</sup> Upon closer examination, however, the comparison was not favorable, for police salaries were frequently paid irregularly or in scrip that was discounted at the policemen's expense. Such discounting was particularly prevalent immediately following the Civil War, when the city's financial resources, already depleted by indebtedness, were hard pressed to finance civil improvements and public services. So desperate became the need for money to pay police salaries in October 1866 that the city council requested local merchants to advance funds on the city's bonds.<sup>36</sup>

The economic depression of the 1870s worsened the situation.<sup>37</sup> To conserve funds, the city council, acting on the recommendation of the finance committee, decreased the strength of the police department and reduced the salaries of the remaining men. In December 1872 the authorized strength of the police force was twenty-four regular officers, but by May 1878 the department was reduced to ten, prompting the police committee to complain that the police force had virtually ceased to exist.<sup>38</sup> As the fiscal crisis worsened, the salaries of police officers were reduced from \$65 to \$60 a month.<sup>39</sup> At the height of the crisis the police force received no pay for four months. The situation became so critical that one alderman proposed, without success, that the mayor and aldermen donate their salaries to pay the delinquent salaries of the police and street workers.<sup>40</sup> In April 1877 police officers protested in a petition to city council that they had not received their salaries since January and appealed for immediate relief. The city council voted to use whatever unappropriated funds remained in the city treasury to pay the men. Two years later these circumstances were repeated.<sup>41</sup>

The ability of the city to finance the police department improved slowly during the subsequent three decades. Salaries in 1900 remained at \$60 a month for patrolmen, although some graduation in the salary scale occurred as other positions in the department were created in the eighties and nineties.<sup>42</sup> Mounted police officers and sergeants received slightly higher wages than the patrolmen. Notwithstanding these exceptions, and those of

the city marshal and deputy marshal, the salary of policemen in 1900 had not increased in nearly four decades.

A system of fees compensated police officers, in part, for the loss of salaries suffered during the years of financial instability. Fee-collecting in connection with performing official duties at first applied only to the city marshal, who was authorized as early as 1843 to receive fifty cents for each affidavit filed in justice of the peace courts. An ordinance enacted in January 1861 expanded the prerogative of the marshal to collect fees.<sup>43</sup> The ordinance authorized the city marshal "to . . . receive the same fees for executing any process from the Recorder's Court, as . . . allowed to Sheriffs by law."<sup>44</sup> The system was lucrative and a source of scandal before the amount of the fees was regulated by an ordinance. In July 1879 a special committee found that the city marshal and recorder were "reaping a golden harvest" from the cases brought to the recorder's court. Fees on one dollar fines, for example, totaled from ten to twenty dollars. Within a six-month period, the investigators disclosed, the marshal had processed at least seven hundred cases for which he collected fees totaling about \$3,500.<sup>45</sup>

These disclosures and others resulted in the passage of an ordinance regulating the amount of fees permitted the city marshal and recorder for the various transactions of the recorder's court as well as the procedures to follow in documenting the fees collected. According to the new schedule, the fees ranged from one dollar for an arrest to fifty cents for summoning a witness.<sup>46</sup> Unlike the city marshal, policemen received their fees from cases processed in the justice of the peace courts. The difference was significant, for cases filed in the justice of peace courts, while providing a fee to the officer serving the process papers or warrant, produced no revenue for the city.<sup>47</sup> All fines reverted to the state.

In 1899 the city attempted to correct the situation and increase its revenue by creating a corporation court to handle all misdemeanor cases formerly processed by the recorder's court.<sup>48</sup> In addition, the amended charter forbade all salaried city employees to receive "any fees, rewards or perquisites accruing from any service performed in any manner whatsoever, whether authorized by the general laws of the States or otherwise."<sup>49</sup> Because of the personal financial advantages, police officers continued to bring cases to the justice of the peace courts despite the charter restrictions and the admonitions of city officials. Vagrancy cases were particularly profitable, as a police committee report in January 1901 revealed.<sup>50</sup> The cases tried before justice of the peace courts reflected significant loss of income for the city, since each plea of guilty carried with it a minimum fee of \$8.45.<sup>51</sup>

Violations decreased gradually, under pressure from the city, but not without resistance. In June 1904, for instance, Judge J.B. Marmion of the Corporation Court accused several officers of continuing to violate the law



and sought to have them officially reprimanded for their actions. One of the officers, infuriated by Marmion's action, threatened the judge with a drawn revolver.<sup>52</sup> Despite the resistance of police officers, tighter restrictions were sought, and in May 1906 a new ordinance halted the violations by requiring every officer to turn over all fees collected from the justice of the peace courts to the clerk of the corporation court. Each transaction was recorded and verified by monthly audits. Police officers were financially responsible for any discrepancies and could be dismissed from the department for repeated violations.<sup>53</sup>

Although salaries did not improve, a charter change in 1899 did much to regularize salaries and provide assurance that they would at least be paid on schedule.<sup>54</sup> The charter amendment, which was part of a municipal budgetary reform program designed to bring efficiency to municipal finances, formalized salaries in ordinances and eliminated the haphazard method of providing funds for the police that had been the custom. The regularization of salaries allowed for the projection of the department's fiscal requirements on an annual basis and permitted efficient budgeting of funds for the police department. Moreover, salaries established by ordinance could be modified only by a repealing ordinance, a process which lessened the likelihood of monthly fluctuations. Economic dislocation continued to create hardship, but the impact for police officers was less severe. During a financial crisis in 1901, for instance, no dismissals were ordered or salaries withheld such as had occurred in the seventies. Instead, the working hours of all officers were reduced proportionally until a savings of \$700 a month in the department's expenditures was achieved.<sup>55</sup> Full salaries were restored within a month. The increased demand for police service made the drastic action of earlier years impossible. The introduction of regularized payrolls was evidence of the importance that policing had taken on as the twentieth century brought a new era of accelerated urbanization to Houston.

By 1920 Houston emerged as a rapidly expanding business and industrial center, its growth encouraged by the developing oil industry and sustained by manufacturing and building activities. Between 1900 and 1920 the city's population increased from 44,633 to 138,276, the latter figure representing a gain of 75.2 per cent over the 1910 population of 78,800.<sup>56</sup>

The demands placed on the police department reflected urbanization. Although "preserving the peace" necessarily involved the police in sporadic confrontations with violators, the daily routine of police officers consisted of a wide range of duties unrelated to crime detection. Some duties were mundane, assigned to the police because the department served as a convenient and relatively inexpensive agency to fulfill a number of municipal responsibilities for which no other city agency existed. Municipal officials had no clear notion of what constituted police work. Police officers were expected to perform whatever services the municipal

authorities deemed necessary.

No responsibility bestowed upon the police department attracted the attention of municipal authorities more than the department's revenue-raising function. Throughout the antebellum and post-Civil War years the collection of taxes, fees, and fines remained vital parts of the city marshal's duties as well as sources of scandal for several marshals.<sup>57</sup> Fines on gambling establishments and bordellos served more as a form of licensing than as a punitive action to halt their activities. Likewise, arrests for vagrancy were regarded as a potential source of revenue.<sup>58</sup> The financial reports of the city marshals and municipal courts were carefully monitored for discrepancies. Loss of revenue brought remonstrances from the city council—such as the uproar when reports for 1899 indicated that fees earned by police officers reduced the amount of city income. In January 1901 the city council issued statements critical of the department's revenue-producing efforts.<sup>59</sup> Following these criticisms, the revenue-producing role of the police department was given emphasis over the law-enforcement aspects.<sup>60</sup> The city authorities viewed the collection of fees and fines as a means of avoiding responsibility for financing the police department. Statistics given in the annual reports were used to demonstrate the department's ability to reduce its operating expenses to a minimum through the diligent collection of revenue. In 1902, for instance, the operating expenses were \$57,000, but because of the revenue collected by the department (excluding taxes collected) the actual cost to the city was \$44,397.<sup>61</sup> The esteem in which an administration held the police department was frequently determined by the department's ability to assist in its own support. But during the next two decades the amount of revenue raised became insignificant in comparison with the department's operating expenses.

Other duties accepted as customary—but not consistently performed—were removing sidewalk obstructions and street nuisances, regulating the operation of the marketplace, overseeing the removal of illegally constructed fences, impounding stray cattle found within the city limits, and enforcing quarantine regulations during smallpox and yellow fever epidemics (a problem largely solved before the twentieth century).<sup>62</sup>

The greatest expansion of the department's responsibility as the twentieth century advanced was in the area of social service. Being in daily contact with the indigent elements of Houston's population and with the increasing number of transients in the city, the police were frequently called upon to render services outside the scope of law enforcement. The financial strain imposed on the department in providing community services led Chief of Police E.C. Noble to plead in his annual report of February 1913 for "at least \$150,000...for the maintenance and caring for [sic] the work of the Police Department." In a compassionate, if inelegant plea, Noble contended that

there are many items of expense that come up that mean so much to the city, much to the community and much to the welfare of the people that can not be done if there are not such provisions for this work. There are many destitute and hungry people that the Department is forced to handle at a time they can not be placed anywhere they can be properly taken care of, and unless the city can feel sufficiently the needs and demands of humanity, it is likely that things will come up that will cause criticism and comment of the Department and the administration that should not be, and I would urge and request that this matter in the budget should be thoughtfully and carefully looked into by the Mayor and Board of Commissioners, and I shall be pleased, if it becomes necessary, to go before the Mayor and Council and discuss these needs personally. I feel, though, that this will be unnecessary, as in a great and growing city of this kind there can be no doubt but what the human side will present itself to the Mayor and Council and adequate means provided for the caring for and maintenance for not only this department, but for the needs that come upon it.<sup>63</sup>

The plight in which Noble found the department resulted from the lack of community institutions to deal with persons unable to care for themselves. Such individuals generally found that the police officer was their only contact with the city's establishment. Local reform groups, such as the Young Men's Christian Association, the Women's Christian Temperance Union, and the Humane Society, also recognized the unique position of the department and attempted to use the police for humanitarian purposes in addition to their law-enforcement functions.

In 1900 the police department felt the impact of local reform groups. Before 1900, females detained in the Houston jail, while segregated from male prisoners, were supervised entirely by male police personnel—the practice was common in most cities until the 1880s.<sup>64</sup> Following the example of Temperance Union chapters in other cities, the Houston chapter, with the support of several local women's organizations, successfully petitioned the city council in March 1900 to appoint a police matron, whose precise duties were undefined.<sup>65</sup> Crisis situations expanded her duties from merely supervising female prisoners to include rendering emergency medical treatment to sick men and women brought off the streets by patrolmen, seeking lodgings for homeless children, assisting destitute women to secure employment, seeking funds for stranded travelers, and accompanying representatives of charitable organizations to investigate the living conditions of destitute families.<sup>66</sup> The introduction of a matron into the police department reflected the increasing emphasis on police services outside the area of law enforcement.

Police duties in the social service area expanded significantly in 1912 with the establishment of a humane department as part of the police department. Agitation for the creation of such a department began in 1898 when Bruce Wood, Secretary of the Houston Humane Society, advocated that a policeman be assigned to investigate cases of cruelty to animals and children.<sup>67</sup> The city marshal agreed to assign such an officer, but the

arrangement was abandoned within a year, following a change in the city administration. Wood's hope was finally realized in 1912, when a humane department was established under the authority of the police department to investigate cases of cruelty to animals. Soon the new department began aiding unfortunate humans as well. Of 1,010 cases handled by the humane department during its first year of operation, only 185 were related to cruelty to animals. The remainder involved problems that included locating lost relatives, referring elderly persons and children to the city's United Charities, and investigating the recruiting of underage girls in bordellos. In 1913 the burden of handling juvenile cases was shifted from the Humane Department to two newly appointed juvenile officers.<sup>68</sup>

As demands on the police by the public increased, policing constituted a combination of twentieth-century innovation and nineteenth-century legacy. Regularized salaries and operational procedures gave form and increased stability to the formerly haphazard organization of the police force. These changes coincided with the department's participation in professional organizations of law enforcement officials. Although the State Association of Texas Sheriffs had existed since 1878, city marshals and police chiefs had no similar organization in Texas until the founding of the City Marshals and Chiefs of Police Union of Texas in 1894. The establishment of the Union gave Houston police chiefs the opportunity to exchange views with police officials from other cities. In 1900 Chief Blackburn became a member of the National Bureau of Identification, and also a delegate to the annual convention of the National Association of Chiefs of Police of the United States.<sup>69</sup> Contact with other departments allowed an exchange of information on subjects dealing with all the latest techniques of urban police work. Moreover, the meetings fostered a common bond among urban police agencies and thereby lifted their conception of policing above the localism of their own communities.

By 1912 the Houston Police Department became more like other urban police departments as it adapted to the technological advances of the period. The department began to adjust itself to the automotive revolution by introducing a motorcycle squad in 1909 and two pursuit cars in 1912.<sup>70</sup> To alleviate the growing traffic problems and provide a basis for more effective police regulation, the city council passed Houston's first traffic ordinance in 1910. Houston was among the first cities (in 1910) to have in operation the Gamewell signaling system, which made possible direct communication between patrolmen on the beat and police headquarters. The creation in 1909 of an Identification Bureau, based on the Bertillon and fingerprint systems, marked a major advance for the department in modern law enforcement techniques. By September 1915 the department's files contained 4,939 Bertillon cards and 1,625 sets of fingerprints (increased to more than 8,000 in December 1916), making the Houston Identification

Bureau the most advanced in Texas. Instructions for instituting the system in other departments were given to police personnel in San Antonio and Fort Worth. Regional cooperation was achieved in 1916 when the Houston Identification Bureau established a mutual system of exchange with the United States Justice Department Bureau at Leavenworth, Kansas, and the Bureau of the Berkeley, California, Police Department.<sup>71</sup>

Technological innovations and a developing bureaucratic structure were, however, only superficial attributes of a progressive police department. None of the substantive qualities of responsible law enforcement—freedom from political interference, career consciousness, and a strict governing apparatus for the administration of the department—was yet attained. With respect to personnel and training, the transition from the nineteenth to the twentieth century was hardly perceptible.

While securing competent and dependable personnel increased proportionally with the move toward responsible police service, it was most serious during the formative years of the department's development. The police organization ordinance of 1874, which stipulated certain qualifications for the selection of policemen, first dealt with the problem. The ordinance, similar to those of other cities, provided basic guidelines for the employment of police officers such as citizenship, residency, bond requirements, and good character references. In addition, the ordinance attempted to govern the conduct of police officers toward the public. In making arrests, for example, police officers were forbidden to use more force than necessary and they were expected to maintain their decorum with the public even under adverse circumstances.<sup>72</sup> These rudimentary regulations were followed in 1915 by a seventy-page departmental pamphlet outlining the rules governing the conduct of officers.<sup>73</sup> All facets of a police officer's duties and responsibilities were discussed, including arrest procedures, the taking of evidence, and circumstances in which the use of firearms was permissible.

Not all efforts to regulate the qualifications and conduct of police officers during the early period of the department's development were successful. Few official police department records exist for 1866-1920, but other sources, such as newspapers and city council minutes, indicate that serious disciplinary problems existed.<sup>74</sup> Among the most serious offenses were those involving physical abuse. In July 1876, for example, officer John Falvel was suspended for the unjustified shooting of a drayman. In November 1888 officer McKeever Perkins, angered over his suspension for dereliction of duty, attempted to murder Chief of Police John White. Another officer, while intoxicated, threatened Major A.L. Jackson and Chief of Police George Ellis. Such offenses were not restricted to patrolmen. In October 1894, City Marshal James H. Pruett was suspended for assaulting Alderman Louis Sonnen, chairman of the Police Committee,



when Sonnen accused the marshal of performing special services for a county candidate for public office.<sup>75</sup>

Disciplinary action for other serious offenses was taken, as in November 1902, when two officers were dismissed for taking bribes.<sup>76</sup> As a grand jury investigation revealed, however, officers were seldom disciplined for minor offenses. According to the report, police officers publicly drank while on duty without fear of punishment. Other reports charged the police with "unfitness and inefficiency" for their failure to enforce the city's laws.<sup>77</sup> Dissatisfaction with the performance of the police department peaked in October 1902, when some of Houston's leading business and professional men discussed plans to organize a vigilante group "to strike at the pistol 'toter,' the murderer, the highwayman and the burglar, and enforce the prosecution of the guilty... in conjunction with the public prosecuting attorneys if possible, against them if necessary." Known as the "Society for Prevention of High Crime," the proposed organization was similar to other vigilante groups formed in the cities of the East and North at the time.<sup>78</sup>

The discrepancy between the rules and regulations and the reality of police conduct was probably a consequence of the low status assigned police security or other benefits. There were no pensions, and no compensation equated (perhaps not inaccurately) with unskilled labor, police service lacked the dignity of an established occupation. Policemen were generally appointed because of political patronage or because of their physical prowess. As a local newspaper columnist expressed the popular view of police work, "neither the police nor the fire departments in their very nature offer opportunity for careers. Their requirements are largely courage and agility. All men may have courage, but only young men may retain agility."<sup>79</sup> The low status of policing thus expressed was underscored by inadequate salaries, an eighty-four-hour work week, and the lack of job security or other benefits. There were no pensions, and no compensation was provided for men injured or killed in the performance of their duties, except at the discretion of the City Council. In one instance a request by an officer for payment of three work days lost because of a job-connected illness was rejected, as was a petition submitted by an officer for reimbursement for work time lost because of injuries received during a street car strike.<sup>80</sup> Occasionally the City Council acted more generously in cases involving the families of slain officers. In April 1891 the Police Committee granted a month's salary and funeral expenses to the widow of a slain officer. Another widow was granted two months' salary, while in December 1901 the widows of two slain officers received the total of three months' salary because of the destitute condition of the families.<sup>81</sup> The practice of appealing hardship cases to the city and relying on its benevolence for relief was characteristic of the pre-Civil War period.

As a result of such conditions, policing became an occupational



monopoly of the unskilled and uneducated. Since the likelihood of improvement was remote, police officers found no encouragement to remain with the department if a more lucrative job could be found. The department, already undermanned, was continually losing men.<sup>82</sup> Enforcing rules became impractical; entrance standards were likewise compromised.

The lack of instruction in police procedure and methods further complicated the disciplinary problem. Customarily throughout the nineteenth and early twentieth centuries, no formal training was included in the recruit's orientation.<sup>83</sup> An attempt by a discipline-minded inspector in 1917 to instill military bearing and conduct among patrolmen met with derision from both officers and the public.<sup>84</sup> Training was by experience. The recruit learned his duties and police procedure while on patrol, accompanied usually by an experienced officer who supervised his performance for a brief period. Trial and error was the officer's usual teacher, for police manuals were not available. The legalistic aspects of policing, such as properly making an arrest, or distinguishing between a felony and a misdemeanor, were learned, if at all, through practice. Formal instruction was in fact resisted, for fear that policies would become inflexible and hamper the activities of the department. It was felt that only by performing on patrol could a patrolman realistically learn his duties.

Progressive-minded police chiefs made sporadic efforts to institute in-service training programs. Chief of Police E.C. Noble organized the first series of training lectures in 1913 by inviting private citizens knowledgeable in the law to discuss the responsibilities of police officers and their obligation to respect the rights of citizens.<sup>85</sup> The program was discontinued when Noble resigned several months later. Another unsuccessful attempt was made in 1921, when the municipal Civil Service Commission directed Chief of Police Gordon Murphy to establish within one year a thirty-day training course. The course, as envisioned by the Commission, would have consisted of lectures and individual study, focusing attention of departmental rules, community relations, police duties, and pertinent city ordinances.<sup>86</sup> A third effort was made two years later with plans to begin a series of "Efficiency Meetings," consisting of a program of seminars and lectures, based in part on the text used by the New York Police Department Training School.<sup>87</sup> Periodic sessions were held for a brief time but were soon discontinued. A similar training experiment was conducted in 1930 but like its predecessors was soon discontinued.<sup>88</sup>

The lack of training placed a premium on experienced patrolmen. Learning through practice was expensive both for the department and for the public. The need to retain experienced men on the force became an important factor in hindering rigid discipline—men were not likely to be dismissed for infractions of police regulations. Dismissed policemen were more frequently casualties of political patronage than of disciplinary action.

Failure to institute a training program reflected the belief that policing required only brawn and a minimum of intelligence. The police officer's picturesque image was that of a crime fighter frequently engaged in deadly encounters with criminals. Much of this attitude developed from an exaggeration of the lawlessness of post-Civil War cities. Available postwar crime statistics for Houston tend to substantiate the findings of Robert Dykstra and Frank Richard Prassel that the number of homicides traditionally associated with law enforcement in the towns and cities of the West during that period has been exaggerated by popular literature.<sup>89</sup>

As a nineteenth century legacy, however, the emphasis on violence and on the role of the police officer as a crime fighter has been responsible for misconceptions concerning urban police service. The growth in responsibility of law enforcement was retarded by ignoring the relationship of the police to the total community and by ignoring the occupational expertise such a relationship required.<sup>90</sup> Although police officials during the early twentieth century generally accepted the narrow view of police work, a few recognized the professional potential of policing. One such officer, addressing the annual convention of the City Marshals and Chiefs of Police Union of Texas at Houston in June 1900, exhorted his colleagues to bring about the reforms necessary to attain professional status.<sup>91</sup> Nearly half a century passed before the plea was heeded.

## NOTES

1. *Ordinances and Decrees of the Consultation Provisional Government of Texas and the Convention which Assembled at Washington, March 1, 1836* (Houston, 1838), p. 139; *Laws of the Republic of Texas in Two Vols.* (Houston, 1838), vol. I, pp. 179-183 and 185-186.

Following statehood, the provisions creating constables and county sheriffs were revised. See *Laws of the Republic of Texas, 1822-1897* (Austin, 1898), pp. 261-269.

No official police reports exist for the nineteenth century. The only annual reports of the police department available are found in the municipal yearbooks beginning in 1902. Information on the nineteenth-century police department must be gleaned from a number of sources consisting of city ordinances, city council minutes, city directories, and newspapers. The city directories, by giving the numerical composition of the police force and its organizational structure, are particularly useful for tracing the growth of the post-Civil War police department.

2. *Charter of the City of Houston as Contained in the Several Acts of the Republic and State of Texas* (Houston, 1855), p. 4; *Houston Telegraph and Texas Register*, December 1, 1838.

3. *The Charter and Revised Code of Ordinances of the City of Houston* (Houston, 1861), p. 62.

4. For a survey of the role of the city marshal in law enforcement in the western town, see Frank Richard Prassel, *The Western Peace Officer, A Legacy of Law and Order* (Norman, 1972), pp. 44-93. See also Robert R. Dykstra, *The Cattle Towns* (New York, 1969), *passim*; James Robert Curtis, "The Dallas Police System," (unpublished M.A. thesis, Southern Methodist University, 1927), pp. 3-6.

5. Houston City Council Minutes, Bk. B (December 13, 1872), p. 450; Houston City Archive Collection (HCAC); *Morrison and Fourny's General Directory of the City of Houston, 1894-1895* (Houston, 1895), p. 49.

6. *The Charter and Revised Code of Ordinances of the City of Houston Embracing all Ordinances in Force Down to August 31, 1874* (Houston, 1874), pp. 83-87; *Murray's City Directory for 1866-1878* (Houston, 1878), p. 36; City Council Minutes, Bk. C (February 27, 1875), p. 544.

7. Minutes, Bk. A (April 20, 1846), p. 322.

8. Minutes, Bk. B (February 27, 1868), p. 361; Bk. C (September 27, 1873), p. 216; Bk. C (February 6, 1875), p. 526.

9. Minutes, Bk. C (December 6, 1873), p. 237; Bk. C (April 25, 1874), p. 328; Bk. C (May 16, 1874), p. 341; Bk. F (December 17, 1883), p. 195; Bk. F (August 9, 1884), p. 281; Bk. K (July 5, 1900), p. 267; (July 9, 1900), p. 270.

10. Houston Biography: Men [Scrapbook], vol. 17b, p. 12, Houston Metropolitan Research Center, Texas Library, Houston Public Library (hereafter cited as HMRC).

11. *Houston Chronicle*, March 25, 1925; *Houston Press*, March 25, 1925; *Houston Post-Dispatch*, March 26, 1925.

12. Minutes, Bk. B (February 14, 1866), p. 116; Bk. D (February 25, 1876), pp. 184-185.

13. Minutes, Bk. B (May 17, 1866), p. 132.

14. Minutes, Bk. F (June 18, 1883), p. 144; Bk. F (July 9, 1883), p. 158.

15. The regulations governing private police agencies remained inadequate until an ordinance was approved in 1969 strictly regulating the appointment of such officers. The ordinance curtails the mayor's power by making the Chief of Police responsible for certifying that the applicant fulfills all the requirements set forth in the law before the mayor grants a commission. Moreover, the special officer's public powers extend only to a specific geographic location. See *Code of Ordinances, City of Houston* (Tallahassee, 1968), vol. II, pp. 1052-61. See also *Texas Jurisprudence*, 2nd ed. (Rochester and San Francisco, 1963), vol. 46, p. 256.

16. *Charter (and Revised Code of Ordinances) of the City of Houston* (Houston, 1897), p. 64; *The Revised Code of Ordinances of the City of Houston of 1914* (Houston, 1914), pp. 267-268.

17. According to current law, private policemen, unless deputized, cannot claim any powers greater than those enjoyed by private citizens—such as the rights to make arrests, to self-defense, to defend other persons, to carry firearms, and to investigate. Private policemen are generally under more stringent regulation than private citizens, but restrictions vary according to state regulatory laws. The marked difference is between non-deputized private policemen and public or regular police officers, for the latter, functioning under state laws, are allowed greater arrest and police powers than the former. Moreover, public police officers receive greater cooperation and acceptance from both citizens and officials, reducing the effectiveness of legal restraints, thereby magnifying their powers.

Deputization generally implies that private citizens are granted the full powers of the public police officers within a certain geographic jurisdiction and for a specific time period. The geographic jurisdiction may be a business establishment or some designated facility. Time may be limited to the period the officer remains within that geographic location.

For a thorough study of the legal status of public and private police, see the five-part series published under the auspices of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration of the United States Department of Justice, entitled *Private Police in the United States: Findings and Recommendations* (Santa Monica, 1971); *The Private Police Industry: Its Nature and Extent* (Santa Monica, 1971); *Current Regulations of Private Police: Regulatory Agency Experience and Views* (Santa Monica, 1971); and especially *The Law and Private Police* (Santa Monica, 1971), and *Special-Purpose Public Police* (Santa Monica, 1971).

18. *Charter of the City of Houston, 1914* (Houston, 1914), pp. 267-268.

19. *Revised Civil Statutes of Texas, 1925, Annotated* (Austin, 1925), vol. I, p. 359.

20. The mayor's authority to appoint special officers sometimes was so abusive that it warranted court action. In San Antonio Mayor J.R. Lambert was accused of creating an "armed guard" to serve at public expense during the tenure of his office. The courts forbade the practice, but less arrogant infractions of the right continued. *Uhr v. Lambert, et al* (Tex. Civ. App., 1916), 188 S. W., pp. 946-947.

21. Minutes, Bk. C (March 6, 1875), p. 555; Bk. F (July 2, 1883), p. 153.

22. Minutes Bk. F (July 2, 1883), p. 153.

23. Ibid.

24. Minutes, Bk. E (December 19, 1881), p. 559.

25. Minutes, Bk. F (August 6, 1883), p. 116; Miscellaneous Correspondence, 1900-1902 and Miscellaneous Papers, undated, Packet dated 1883, Petition dated July 14, 1883, HCAC; Minutes, Bk. F (August 6, 1883), p. 166; *Houston Post*, August 7, 1883.

The number of black officers during the postwar years is uncertain.

26. *Murray's City Directory* (Houston, 1878), p. 36; *C.D. Morrison and Company's General Directory of the City of Houston, 1879-80* (Houston, 1880), p. 22.

The exact number of black special or regular police officers on the force during the nineteenth century is unknown since the City Minutes, while mentioning black officers, do not always indicate their number on the force at any given time. The city directories provide some answers. In 1877 the directories began the practice of listing the names of all police officers on the force and indicating their race. In 1877-78 the *Directory* revealed, for example, that the department consisted of a city marshal, a deputy marshal, and twelve patrolmen, one of whom was black. In 1879-80 nine patrolmen were listed, two of whom were black. Later Directories also indicate that at least one black officer was a regular policeman. Special black officers serving for brief terms are not listed, so that the total number of blacks in service fluctuated throughout the year, and the directories do not necessarily reflect the total number of blacks actually in service for any twelve-month period. Information on the number of blacks on the police force between 1930 and the post-World War II years is scant. The practice of listing the names and race of all police officers in the city directories was discontinued as the size of the force increased. Official police records in the form of annual reports are incomplete between 1930 and the 1960s. A study conducted in 1962 listed 24 black uniformed officers and one detective on the police force in 1961. In 1976 the number increased to 120 out of a total force of 2673. See Elliott M. Rudwick, *The Unequal Badge: Negro Policemen in the South* (Atlanta, 1962), p. 7; and Donald A. Cole, "The Negro Police Officer of Texas," (unpublished M.A. thesis, Sam Houston State College, 1969), p. 25.

27. See Barry A. Crouch and L.F. Schultz, "Crisis in Color: Racial Separation in Texas During Reconstruction," *Civil War History: A Journal of the Middle Period* 16 (March, 1970): 37-49; and David G. McComb, *Houston, The Bayou City* (Austin and London, 1969), pp. 157-160.

28. Rudwick, *The Unequal Badge*, pp. 10 and 14; Edwin Dale Heath, Jr., "Texas Laws of Arrest: A Comprehensive Manual for the Law Enforcement Officer," (unpublished M.A. thesis, Sam Houston State University, 1970), pp. 12-13.

29. *Charter and Revised Code of Ordinances of the City of Houston* (Houston, 1871), p. 6.

The Police Board or Committee was composed of several aldermen and was similar to the later Police, Fire, and Health Board, which was created under the civil service provisions of the 1897 charter. The duties of the two boards were similar except that the Police Committee concerned itself solely with the police department, as did the Fire Committee with matters dealing with the fire department. Under the charter of 1897 the three committees were united under one board. See *Charter [and Revised Code of Ordinances] of the City of Houston* (Houston 1897), p. 20.

30. The implications of the conflict are discussed in detail in chapter 4.
31. Minutes, Bk. C (May 16, 1874), p. 341; Bk. C (March 6, 1875), p. 555; Bk. D (February 4, 1876), p. 176; Bk. D (February 25, 1876), pp. 185-186; Bk. E (December 19, 1881), p. 559.
32. Minutes, Bk. D (February 2, 1877), p. 414.
33. Minutes, Bk. E (December 19, 1881), p. 559.
34. Minutes, Bk. C (February 7, 1874), p. 279; Bk. D (February 2, 1877), p. 414.
35. On a twelve-month basis at \$60 a month the average income of a patrolman was \$720. The average yearly income of a Harris County laborer in 1870 was \$292, which increased to \$377 in 1880 and to \$462 in 1890. Skilled mechanics, on the other hand, averaged from \$729 to \$1,296. Robert E. Zeigler, "The Houston Worker: 1865-1890," *East Texas Historical Journal* 10 (Spring, 1972): 42-43.
36. Minutes, Bk. B (October 4, 1866), p. 174.
37. For a study of Houston's economic problems during the post-Civil War period, see Harold Lawrence Platt, "Urban Public Services and Private Enterprise: Aspects of the Legal and Economic History of Houston, Texas, 1865-1905" (unpublished Ph. D. dissertation, Rice University, 1974), pp. 1-29.
38. Minutes, Bk. C (December 7, 1872), p. 89; Bk. C (January 27, 1873), p. 112; Bk. C (February 24, 1873), p. 121; Bk. C (January 23, 1875), p. 514; Bk. D (May 30, 1878), p. 615.
39. Minutes, Bk. C (March 6, 1875), p. 551.
40. Minutes, Bk. C (January 23, 1875), p. 515; Bk. C (January 30, 1875), p. 519.
41. Minutes, Bk. D (April 6, 1877), pp. 434 and 436; Bk. E (July 8, 1879), p. 256.
42. Houston *Daily Post*, July 3, 1891; Minutes, Bk. G (April 27, 1891), p. 526; Bk. H (January 28, 1895), p. 439.
- A detective or plainclothesman was introduced into the department in 1873 but the position was abolished in 1875. Mounted police were first mentioned in 1889. The detective position was reinstated in 1894 and the positions of turnkey, day and night sergeant, and patrol driver were created. Warrant officers were introduced in 1899 and a police matron in 1900; Minutes, Bk. C (April 5, 1873), pp. 134, 216, and 526; Bk. D (July 30, 1875), pp. 4 and 43; Bk. G (July 8, 1889), p. 246; *City Directory*, 1889-90, p. 42; *City Directory*, 1894-95, p. 33; *City Directory*, 1889, p. 394; *City Directory*, 1900-1901, p. 394.
43. Minutes, Bk. A (July 3, 1843), p. 228; *Charter and Revised Code of Ordinances of the City of Houston* (Houston, 1871) p. 29.
44. Ibid.
45. Minutes, Bk. E (July 5, 1879), p. 250.
46. Minutes, Bk. E (July 18, 1879), p. 266.
47. No records exist as to the amount of the fees collected by police officers in justice of the peace courts. If the fee schedule of the justice of the peace court was similar to that of the recorder's court, police officers received \$2 on each plea of guilty.
48. *Revised Code of Ordinances of the City of Houston of 1914* (Houston, 1914), pp. 16-17.
49. *Revised Code of Ordinances of the City of Houston of 1914* (Houston, 1914), p. 38; Minutes, Bk. K (January 14, 1901), p. 466.
50. Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee to the mayor and board of aldermen, no date, HCAC; Houston *Chronicle*, June 29, 1904.
51. Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee to the mayor and board of aldermen, no date, HCAC; Houston *Daily Post*, January 8, 1901.
52. Houston *Chronicle and Herald*, June 27, 1904; Houston *Chronicle*, June 28, 1904.
53. *Charter of the City of Houston and General Ordinances . . . From the 31st Day of Oc-*

tober, 1904, to and including October 31st, 1910 (Houston, 1910), pp. 22-26.

54. Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the City Attorney, Joe M. Sam, dated January 7, 1901, HCAC.

55. Minutes, Bk. L (March 11, 1901), p. 38; Bk. L (April 8, 1901), p. 72; *Houston Daily Post*, April 16 and May 14, 1901; Miscellaneous Papers, 1900-1913, Packet dated May 13, 1901, Motion dated May 13, 1901, HCAC.

56. *Municipal Book of the City of Houston*... (Houston, 1922), pp. 76 and 77; *Population*, 1910, vol. III of the *Thirteenth Census of the United States Taken in the Year 1910* (Washington, D.C., 1910), p. 852; *Population*, 1920, vol. III of *Fourteenth Census of the United States Taken in the Year 1920* (Washington, D.C., 1920), p. 1015.

57. Minutes, Bk. A (February 13, 1841), pp. 74, 75, 204, and 209; Bk. A (February 22, 1841), p. 78; Bk. A (June 12, 1843), pp. 234, 235, and 236; Bk. A (May 29, 1843), p. 222; Bk. E (July 19, 1879), pp. 270-277, and 279-281; Bk. E (July 22, 1879), p. 281; Bk. E (June 19, 1880), p. 421; Bk. L (April 8, 1902), p. 534; Bk. M (May 19, 1902), p. 3.

58. Minutes, Bk. K (December 24, 1900), p. 456; Miscellaneous Papers, 1902-1903, Packet dated November 24, 1902, Report of the Police Committee, January 7, 1901, HCAC.

59. *Houston Daily Post*, January 8, 1901.

60. The first available annual report of the police department is for the year ending December 31, 1902. All the early reports are included in the city yearbooks. Prior to 1902 individual financial reports are found in the Minutes, while crime statistics are occasionally found in the newspapers.

61. *Annual Message of O.T. Holt Mayor of... Houston and Annual Reports of the City Officers for the Year Ending December 31, 1902* (Houston, 1903), pp. 4 and 8.

62. Minutes, Bk. C (January 26, 1874), pp. 267-268.

63. *Annual Message of H.B. Rice, Mayor... of Houston and Annual Reports of City Officials for the Year Ending February 28, 1913* (Houston, 1913), p. 202.

64. For some of the contemporary literature on the use of police matrons, see Caroline A. Kennard, "Progress in Employment of Police Matrons," *Lend a Hand* 9 (1893): 180-184; J.K. Barney, "Women's Work in Philanthropy, Police Matrons," *ibid.* 2 (1886): 471-475; "The Police Matron's Bill-Prisons and Station-Houses" (Extract from the Annual Report for 1887 of the Women's Prison Association of the City of New York), *ibid.* 3 (1887): 161-167; Chloe Owings, "Women Police," *Journal of Social Hygiene* 11 (January, 1925): 38-43; Chloe Owings, *Women Police: A Study of the Development and Status of the Women Police Movement* (1925; reprint ed., Montclair, 1969); Helen D. Pigeon, "Policewomen in the United States," *J.C.L.* 18 (November, 1927): 372-377; Helen D. Pigeon, "Women's Era in the Police Department," *Annals of the American Academy* 142 (May, 1929): 250-254.

65. *Houston City Minutes*, Bk. K (March 5, 1900), p. 176; Bk. K (March 12, 1900), p. 84; Bk. K (May 7, 1900), p. 232; Bk. K (May 14, 1900), p. 229; *Houston Daily Post*, May 8, 1900.

66. *Annual Message of O.T. Holt, Mayor of Houston and Annual Reports of City Officers for the Year Ending December 31, 1903* (Houston, 1903), p. 91; *Houston Daily Post*, February 14, 1905.

67. *Houston Post*, March 23, 1898, and October 14, 1901.

68. *Annual Message of H.B. Rice, Mayor of the City of Houston and Annual Reports of City Officials for the Year Ending February 28, 1913* (Houston, 1913), p. 212.

In 1928 the Humane Department became a sub-department of the Health Department, but its investigating powers remained with the police until 1939, when the Humane Department became an independent city office. *City of Houston: 1939-1940, Griffenhagen Survey, Report No. 10*, February 13, 1940, vol. I, p. 1.

69. *Houston Daily Post*, June 15, 1900; *ibid.*, July 10, 1901; Minutes Bk. K (June 25,



1900), p. 261; Bk. L (February 24, 1902), p. 487; Bk. L (May 6, 1901), p. 95.

70. *Annual Message of H.B. Rice... and Annual Reports of City Officials for the Year Ending February 28, 1911* (Houston, 1911), p. 167; *Annual Message of H.B. Rice... and Annual Reports of City Officials for the Year Ending February 28, 1913* (Houston, 1913), p. 199.

71. *Annual Message of H.B. Rice, 1911*, pp. 167 and 168; *Illustrated City Book of Houston Containing Annual Message of Ben Campbell, 1916*, p. 362; *Illustrated City Book of Houston Containing Annual Message of Ben Campbell Mayor of the City of Houston with Reports of all Departments of the City...* (Houston, 1915), p. 334; *Illustrated City Book of Houston Containing Annual Message of Ben Campbell... with Reports of All Departments of the City and an Analysis of the City by the Chamber of Commerce* (Houston, 1917), p. 348.

72. *The Charter and Revised Code of Ordinances of the City of Houston, Embracing all Ordinances in Force Down to August 31, 1874* (Houston, 1874), pp. 83-86; a second major reorganization ordinance was enacted in 1897 which provided for similar regulations. See *The Charter [and Revised Code of Ordinances] of the City of Houston* (Houston, 1897), pp. 64-67.

73. *Rules and Regulations: Police Department, City of Houston* (Houston, 1915).

74. No reliable estimate of the department's disciplinary problem is possible before the existence of personnel records in 1920. Since that time the records reveal that a consistent effort to improve discipline and efficiency in the department began in earnest with an increase of the number of supervisory personnel and the department's increased awareness of its public image. The change was fostered in part by frequent contact with all classes of people because of the enforcement of traffic regulations. Prior to the automobile era, contacts with the public were generally restricted to the indigent and transient elements of the population.

Twenty-two reels of the department's inactive personnel records were reviewed. Each reel contains approximately 100 individual files for the years 1920-1948. Some files antedate 1920, but most begin with the 1920s. The records indicate nearly three hundred instances of disciplinary action, ranging from letters of reprimand to dismissals from the department.

75. City Council Minutes, Bk. D (July 28, 1876), p. 286; *Houston Daily Post*, November 18, 1888; City Council Minutes, Bk. H (October 8, 1894), p. 346; Bk. O (August 22, 1904), p. 50.

76. Petition to Mayor and Board of Aldermen, dated September 6, 1902, Miscellaneous Papers, 1902-1903, Envelope dated September 8, 1902, HCAC.

77. *Houston Daily Post*, December 25, 1881; December 21, 1881; and October 29, 1899.

78. *Houston Chronicle*, October 25 and 28, 1901. For an excellent survey of vigilante movements in the nineteenth and early twentieth centuries see Richard Maxwell Brown, "Legal and Behavioral Perspectives on American Vigilantism," in Donald Fleming and Bernard Bailyn, eds., *Perspectives in American History*, vol. 5, *Law in American History* (Cambridge, 1971), pp. 95-146. For a more detailed discussion see Brown's study, "The American Vigilante Tradition," in Hugh Davis Graham and Ted R. Gurr, eds., *Violence in America: Historical and Comparative Perspectives: A Report to the National Commission on the Causes and Prevention of Violence* (Washington, D.C., 1969), vol. I, pp. 121-180.

79. *Houston Chronicle*, January 24, 1920.

80. Miscellaneous Papers, 1900-1902, Envelope dated April 22, 1902, Petition dated February 24, 1902 to City Council from M.F. Cahill, HCAC; Miscellaneous Papers, 1905-1907, Envelope dated June 5, 1905, Petition dated June 5, 1905, HCAC.

81. City Council Minutes, Bk. G (April 13, 1891), p. 521; Bk. L (August 5, 1901), p. 210; Miscellaneous Papers, 1900-1903, Envelope dated December 23, 1901, Resolution dated December 23, 1901, HCAC; City Council Minutes, Bk. L (December 23, 1901), pp. 420-421.

82. A comparison with cities of similar population indicates that prior to 1914 Houston generally lagged behind in the size of its police force. Chief of Police George Ellis complained in his annual report of 1908 that nearly all municipalities the size of Houston had at least forty per cent more policemen. At the end of 1903, for example, Houston's population was ap-

proximately 70,000, with a department of 55 men. In comparison Troy, New York, with a population of 75,000, had a department of 124 men, while Atlanta, Georgia, with 94,000 inhabitants, had a police force numbering 200 men. *Annual Message of O.T. Holt, Mayor of the City of Houston and Annual Reports of City Officers for the Year Ending December 31, 1903* (Houston, 1903), p. 88; *Annual Message of H.B. Rice ... and Annual Reports of City Officials for the Year Ending February 29, 1908* (Houston, 1908), p. 9.

83. The first formal training school was begun in 1907 by August Vollmer, city marshal of the city of Berkeley, California, Police Department. The New York City Police Department, which began a "School of Pistol Practice" in 1895, established by 1930 the most sophisticated police training program among the larger departments. Other cities that pioneered training schools were Chicago, Cincinnati, Cleveland, Detroit, Philadelphia, Louisville, and St. Louis. The quality of training varied sharply, ranging from periodic sessions to a three-year academic curriculum. Allen Z. Gammage, *Police Training in the United States* (Springfield, 1963), pp. 5-10; see also Fosdick, *American Police Systems*, pp. 198-306, and Elmer D. Graper, *American Police Administration: A Handbook on Police Organization in American Cities* (1920; reprint ed., Montclair, 1969), pp. 108-122.

84. *Houston Daily Post*, August 4, 1917.

85. *Annual Message of H.B. Rice*, 1913, p. 1.

86. Correspondence from the Civil Service Commission to Chief of Police Gordon Murphy, December 8, 1921, Reel 1, PFHPD.

87. Correspondence from the Civil Service Commission to the Superintendent of Police, January 4, 1923, PFHPD.

88. Houston was not alone among Texas cities in this tardiness in creating a police training school. Dallas did not establish a school until 1938, and the San Antonio academy was opened in 1939. The earliest pre-service training was organized in 1930 by the Texas Highway Patrol, while the first formal police course was conducted by the Fort Worth Police Department in 1926. Charles C. Mahaney, Jr., "A Review of Police Training and Education in Texas" (unpublished M.A. thesis, Sam Houston State University, 1970), *passim*; Vernon L. Engberg, "Municipal Police Training in Texas" (unpublished M.A. thesis, University of Texas, 1952), pp. 125-128, *passim*.

89. Victoria Brooks, "Crime and Violence in Frontier Houston: A Study of the District Court of Harris County, 1872-1876" (unpublished M.A. thesis, Rice University, 1974), *passim*; Dykstra, *The Cattle Towns*, *passim*; Prassel, *The Western Peace Officer*, *passim*.

90. Recent studies indicate that nearly half of a patrolman's time is devoted to non-criminal contacts involving interpersonal or personal problem solving in which arrests are neither requested nor applicable. Frequently the police department is the only agency (as Chief of Police E.C. Noble noted in 1913) available to lend assistance because of its accessibility and daily contact with members of the lower economic and social strata, who are not always welcomed by the community's traditional social service agencies. Twentieth century urbanization has increasingly expanded the role of the police beyond the sphere of crime detection and into the areas of complex social problems such as minority relations, civil disorders, and drug abuse. One survey has revealed that by far most of a patrolman's time is devoted to general service activities.

See Elaine Cumming, Ian Cumming, and Laura Edell, "Policeman as Philosopher, Guide and Friend," *Social Problems* 12 (Winter, 1965): 276-286; James S. Campbell, Joseph Sahid, and David P. Stang, *Law and Order Reconsidered, Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence* (Bantam ed., New York, Toronto and London, 1970), pp. 286 and 291; Robert J. Sokol, "Consultation with Police: Some Problems and Conceptualizations," in John R. Snibbe and Homa M. Snibbe, eds., *The Urban Policeman in Transition: a Psychological and Sociological Review* (Springfield, 1973), p. 592; Homa Snibbe, "The Police and the Mentally Ill: Practices, and Problems, and

Some Solutions," in Snibbe, *The Urban Policeman in Transition*, pp. 523 and 528-529; Daniel Cruse and Jesse Rubin, *Determinants of Police Behavior, A Summary* (Washington, D.C., 1973), pp. 2 and 17.

91. Houston *Daily Post*, June 14, 1900.